

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 482**

Citations Affected: IC 35-50-6-3.3.

Synopsis: Credit time. Allows a prisoner to receive additional credit time for a diploma or degree completed before July 1, 1999, unless the prisoner has been convicted of certain sex crimes. Provides that a prisoner may receive credit time for completion of a literacy or basic life skills program. Provides that credit time for multiple degrees at the same education level is awarded based upon department of correction guidelines. **(This conference committee report reduces the credit time earned for completion of a literacy and basic life skills program approved by the department of correction from 12 months to 6 months.)**

Effective: July 1, 2003.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 482 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-50-6-3.3, AS AMENDED BY P.L.90-2000,
- 3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2003]: Sec. 3.3. (a) In addition to any credit time a person
- 5 earns under subsection (b) or section 3 of this chapter, a person earns
- 6 credit time if the person:
- 7 (1) is in credit Class I;
- 8 (2) has demonstrated a pattern consistent with rehabilitation; and
- 9 (3) successfully completes requirements to obtain one (1) of the
- 10 following:
- 11 (A) A general educational development (GED) diploma under
- 12 IC 20-10.1-12.1, if the person has not previously obtained a high
- 13 school diploma.
- 14 (B) A high school diploma.
- 15 (C) An associate's degree from an approved institution of higher
- 16 learning (as defined under IC 20-12-21-3).
- 17 (D) A bachelor's degree from an approved institution of higher
- 18 learning (as defined under IC 20-12-21-3).
- 19 (b) In addition to any credit time that a person earns under subsection
- 20 (a) or section 3 of this chapter, a person may earn credit time if, while
- 21 confined by the department of correction, the person:
- 22 (1) is in credit Class I;

(2) demonstrates a pattern consistent with rehabilitation; and
 (3) successfully completes requirements to obtain at least one (1)
 of the following:

(A) A certificate of completion of a vocational education
 program approved by the department of correction.

(B) A certificate of completion of a substance abuse program
 approved by the department of correction.

**(C) A certificate of completion of a literacy and basic life
 skills program approved by the department of correction.**

(c) The department of correction shall establish admissions criteria
 and other requirements for programs available for earning credit time
 under subsection (b). A person may not earn credit time under both
~~subsection~~ **subsections** (a) and ~~subsection~~ (b) for the same program of
 study.

(d) The amount of credit time a person may earn under this section
 is the following:

(1) Six (6) months for completion of a state of Indiana general
 educational development (GED) diploma under IC 20-10.1-12.1.

(2) One (1) year for graduation from high school.

(3) One (1) year for completion of an associate's degree.

(4) Two (2) years for completion of a bachelor's degree.

(5) Not more than a total of six (6) months of credit, as determined
 by the department of correction, for the completion of one (1) or
 more vocational education programs approved by the department
 of correction.

(6) Not more than a total of six (6) months of credit, as determined
 by the department of correction, for the completion of one (1) or
 more substance abuse programs approved by the department of
 correction.

**(7) Not more than a total of six (6) months credit, as
 determined by the department of correction, for the
 completion of one (1) or more literacy and basic life skills
 programs approved by the department of correction.**

However, a person who does not have a substance abuse problem that
 qualifies the person to earn credit in a substance abuse program may
 earn not more than a total of twelve (12) months of credit, as
 determined by the department of correction, for the completion of one
 (1) or more vocational education programs approved by the department
 of correction. If a person earns more than six (6) months of credit for
 the completion of one (1) or more vocational education programs, the
 person is ineligible to earn credit for the completion of one (1) or more
 substance abuse programs.

(e) Credit time earned by a person under this section is subtracted
 from the release date that would otherwise apply to the person after
 subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the
 person completes at least a portion of the degree requirements after
 June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the
 person completes at least a portion of the program requirements after
 June 30, 1999.

(h) Subsection (e) applies only to a person who completes at least a portion of the degree or program requirements under subsection (a) or ~~(b) after June 30, 1999~~: Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Vicarious sexual gratification (IC 35-42-4-5).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor as a Class A felony, Class B felony, or Class C felony (IC 35-42-4-9).

(I) Incest (IC 35-46-1-3).

(J) Sexual battery (IC 35-42-4-8).

(K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

(i) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) four (4) years; or

(2) one-third (1/3) of the person's total applicable credit time.

(j) The amount of credit time earned under this section is reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.

(k) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(Reference is to ESB 482 as reprinted April 8, 2003.)

Conference Committee Report
on
Engrossed Senate Bill 482

Signed by:

Senator Waterman
Chairperson

Representative Smith V

Senator Rogers

Representative Foley

Senate Conferees

House Conferees